

Remarks

The Examiner's allowance of claims 16 – 18 in the application is noted with appreciation. Claims 17 and 18 have been amended to correct a typographical error to correctly designate claim 16 as the claim from which they depend.

The Examiner has rejected claims 1-4, 6, 7, 8, 9, 11-15 as unpatentable over Albu in view of Rimkus. Claim 1 has been amended to more clearly define the elements of the invention. The Examiner's rejection of the claims is respectfully traversed. Albu discloses a nose air filter having plugs formed from cotton or similar material, col.2, lines 4-6. In one embodiment, the cotton filler is encased in a porous fabric covering but may be employed without the covering (col. 2 lines 39-42). However, the interconnection of the two plugs is accomplished by a metallic or plastic bridge as shown in FIGs. 5 and 6, not an integrally molded band as asserted by the Examiner. The present invention employs a "thin flexible band integrally molded with the semi-cylinders" of reticulated foam filter media as specifically claimed in claim 1. This unitary structure simplifies the manufacturing process and the flexible nature of the band provides significantly greater comfort than the connector disclosed in Albu.

The Examiner relies on Rimkus as disclosing use of two semi-cylinders of porous foam filter media. While Rimius does disclose the use of reticulated foam as a filter, the Rimkus structure requires a housing 12 (FIGs. 2 – 4 and associated description) or at a minimum, a flange (FIG. 7 element 16", col. 5 line 66 – col. 6 line12). Such structure is not necessary in the present invention and would preclude the integral molding of the interconnecting flexible band. Rimkus, therefore, teaches away from the present invention.

The applicant respectfully contends that Albu and Rimkus do not teach or suggest the elements of the present invention as defined in claim 1.

The reference to Chen (US 6,216,694) which is not cited by the Examiner with respect to his rejections cited above, discloses an integrally connecting belt section 12 (FIGs 1-4 and col 2 line 2) between two plug units 11. However, the Chen device is similar to the Rimkus device in that the plug units are a "hollow tube" (col. 2 line 2) to provide a case for a filter 20. The present invention is an integrally molded self supporting structure which does not require a case or holder for efficacious use. Any

combination of Chen with Albu or Albu and Rimkus would therefore not disclose or suggest the present invention as claimed.

With respect to claim 2 as dependent on claim 1, based on the argument above, the applicant contends that the inventive combination as a whole is not disclosed or suggested by the cited references.

With respect to the Examiner's rejection of claim 3, the applicant respectfully draws the Examiner's attention to FIGs. 1 and 4 of the present application which disclose one embodiment for the "circumferentially spaced flattened surfaces" (see element 30) defined in claim 3 for the present invention. For the embodiment shown, four equally spaced flattened surfaces are provided, however, the claim is not so limited and various pluralities of flattened surfaces circumferentially spaced about the semi-cylindrical filter elements could be provided for increased comfort or improved fit. Rimkus, as cited by the Examiner discloses merely a cylindrical surface, see FIGs. 1-7 (tapered in FIG. 7). The surface 26' cited by the Examiner does not have any flattened surfaces around the circumference of the cylinder as disclosed and claimed for the present invention. The Examiner's rejection of claim 3 is therefore respectfully traversed.

With respect to claims 4 – 7 as dependent on claim 1, based on the argument above, the applicant contends that the inventive combination as a whole is not disclosed or suggested by the cited references.

The Examiner's rejection of claims 8 and 9 is respectfully traversed based on the argument presented above for claim 3. Claim 8 specifically recites the "circumferentially spaced flattened surfaces" as an element of the invention and this limitation is nowhere disclosed or suggested by the cited references. Claim 9, as dependent on claim 8, is similarly patentable.

Claim 11 has been amended and the Examiner's rejection of claims 11, 12, 14 and 15 is respectfully traversed in view of this amendment as argued for claim 3 above.

Claim 13 has been cancelled.

Additionally, the Examiner's rejection of claim 11 is respectfully traversed based on the failure of the cited references to disclose or suggest the use of "*dielectric* reticulated foam filter" material (emphasis added) as specifically claimed for the present invention. The Examiner subsequently rejects claims 5 and 10 as unpatentable in view of

Kubik et al. The applicant respectfully traverses this rejection as to claims 5, 10 and 11. Kubik et al discloses a manufacturing process to create an electrically charged fibrous electret which may be used in filter masks, see FIG. 3 and col. 1 lines 5-6. Kubik et al teaches extrusion of molten polypropylene fibers of less than .000984 inches in diameter through a plurality of orifices where they are actively bombarded with electrically charged particles. The fibers are then directed into a high velocity gas stream where they are cooled and deposited on a collector as a randomly intertwined coherent mass or mat. The bombarded charges become frozen within the cooled fibers and the fibers become persistently charged, see generally col. 4 line 9 through col. 5 line 10. Unlike Kubik et al, the present invention relies solely on a passive dielectric material in the filter medium. Air passing over the dielectric material in use creates static electrical charge which then assists in accumulating particles for filtration purposes. However, no deposition of a persistent charge is required. Kubik et al. therefore teaches away from the present invention as claimed.

Based on the amendments made and the argument presented herein, the applicant believes that all claims now pending in the application are in condition for allowance and action by the Examiner in that regard is requested.

Respectfully submitted,



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Date: 08/13/2004